

REMARKS

Claims 1, 3-9, 11-15, and 17-26 are pending.

For the following reasons, reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §112:

On page 2, item 2 of the Office Action, claims 25 and 26 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The rejection is respectfully traversed.

It is respectfully submitted that claims 25 and 26 are supported by the disclosure as originally filed to apprise one of ordinary skill that the inventors had possession of, i.e., invented, the invention as claimed, so as to comply with the written description requirement. The Applicants note that FIG. 2, as originally filed, shows an insulating tape that contacts both sides of the at least one of the first electrode plate and the second electrode plate, and rely on case law noted in §2163 (II)(A)(3)(a) of the MPEP at 2100-179, first paragraph, that an "applicant may show possession of an invention by disclosure of drawings or structural chemical formulas that are sufficiently detailed to show that applicant was in possession of the claimed invention as a whole" (*Vas-Cath*, 935 F.2d at 1565, 19 USPQ2d at 1118, stating that "drawings alone may provide a 'written description' of an invention as required by Sec. 112"").

Accordingly, it is respectfully submitted that claims 25 and 26 comply with the written description requirement. Withdrawal of the rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

On page 3, item 4 of the Office Action, claims 1, 3-7, 9, 11-14 and 17-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shibamoto et al. (WO 0278113, U.S. Patent Application Publication No. 2004/0096733 used as an English equivalent), in view of Iwasaki et al (U.S. Patent No. 6,325,611). The rejection is respectfully traversed.

It is respectfully submitted that Shibamoto and Iwasaki, either individually or in combination, fail to disclose or suggest that the folded portion has an insulating tape attached thereto to cover the folded portion, as recited in claims 1 and 9.

Specifically, even when combined, the references fail to suggest attachment of the insulating tape to the folded portion and the coverage of the folded portion by the insulating tape. For example, the Office Action cites FIG. 28 of Shibamoto as disclosing a folded portion, but acknowledges that Shibamoto fails to disclose an insulating tape. Rather, the Office Action cites FIG. 3 of Iwasaki as disclosing an insulating tape 16 affixed to the electrode.

With regard to Iwasaki, it is noted that the insulating tape 16 is applied to an outer side of the positive electrode 1 at a terminal side thereof and is made to face the lead member 15 that is welded to the negative electrode 2 (see, col. 13, lines 52-58, and FIG. 3 of Iwasaki). It is noted that Iwasaki simply discloses application of an insulating tape 16 to a side of the positive electrode at a position that corresponds to the lead member 15. Iwasaki does not disclose or suggest attachment of the insulating tape to the folded portion and the coverage of the folded portion by the insulating tape, even when viewed with Shibamoto.

In other words, Shibamoto simply discloses a folded portion in an electrode, and Iwasaki simply discloses an insulating tape applied to an electrode. Existence of a folded portion and an insulating tape does not necessarily show attachment of that insulating tape to the folded portion and the coverage of the folded portion by that insulating tape. Further, the given rationale in the Office Action of preventing a short from occurring does not show why the rationale is more suggestive as to teach attachment of that insulating tape to the folded portion and the coverage of the folded portion by that insulating tape. Rather, the rationale to prevent a short, given the simple existence of a folded portion and an insulating tape, suggests no more than simply attaching the insulating tape to the electrode, as shown in Iwasaki, to prevent a short from occurring.

Accordingly, Shibamoto and Iwasaki, either individually or in combination, fail to disclose or suggest each and every feature of claims 1 and 9, and claims 1 and 9 are patentably distinguishable over the applied references and their combination. Claims 3-7, 17, 19, 21, and 22, which depend from claim 1, and claims 11-14, 18, 20, 22, and 24, which depend from claim 9, are likewise patentably distinguishable over the applied references and their combination for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 6, item 5 of the Office Action, claims 8 and 15 are rejected under 35 U.S.C.

§103(a) as being unpatentable over Shibamoto and Iwasaki, as applied to claims 1 and 9 above, and further in view of Fukumura et al. (U.S. Patent No. 6,027,835). The rejection is respectfully traversed.

As discussed above, it is noted that Shibamoto and Iwasaki, either individually or in combination, fail to disclose or suggest each and every feature of claims 1 and 9, from which claims 8 and 15 respectively depend. As Fukumura fails to remedy the deficiency of Shibamoto, Iwasaki, or their combination, claims 8 and 15 are patentably distinguishable over the applied references and their combination for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 7, item 6 of the Office Action, claims 25 and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shibamoto and Iwasaki, as applied to claims 1 and 9 above, and further in view of Kimijima et al. (U.S. Patent Application Publication No. 2002/0004171). The rejection is respectfully traversed.

As discussed above, it is noted that Shibamoto and Iwasaki, either individually or in combination, fail to disclose or suggest each and every feature of claims 1 and 9, from which claims 25 and 26 respectively depend. Kimijima fails to remedy the deficiency of Shibamoto, Iwasaki, or their combination because Kimijima's covering materials 8a-8f are not disposed on a folded portion (see, FIG. 1 of Kimijima), and fails to disclose that the folded portion has an insulating tape attached thereto to cover the folded portion, as recited in claims 1 and 9. Accordingly, claims 25 and 26 are patentably distinguishable over the applied references and their combination for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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